

REMARKS

In the February 4, 2009 Office Action, claims 1-20 stand rejected in view of prior art. No other objections or rejections were made in the Office Action.

Status of Claims and Amendments

In response to the February 4, 2009 Office Action, Applicants have amended claim 1 and have canceled claims 6, 7, 12, 13, and 15-20 as indicated above. Further, Applicants have amended claim 3 to correct the form, and have added claims 21 and 22. Applicants wish to thank the Examiner for the examination of this application. Thus, claims 1-5, 8, 11, 14, 21, and 22 are pending, with claim 1 being the only independent claim. Reexamination and reconsideration of the pending claims are respectfully requested in view of above amendments and the following comments.

Rejections - 35 U.S.C. § 102

In item 3 of the Office Action, claims 1-20 stand rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent Application Publication No. 2004/0117069 (Yoon et al.). In response, Applicants have amended independent claim 1 to define the present invention over the prior art of record, and have canceled claims 6, 7, 12, 13, and 15-20.

In particular, independent claim 1 has been amended to recite a first air conditioning monitoring and control device communicating with the air conditioner and including a first monitoring and control program and a second monitoring and control program that are configured to monitor and/or to control the air conditioner, with the first monitoring and control program being configured to perform at least one type of control with respect to the air conditioner. Claim 1 also recites a second air conditioning monitoring and control device

communicating with the air conditioner and including the first monitoring and control program and a third monitoring and control program that are configured to monitor and/or to control the air conditioner. Claim 1 further recites that at least one of the first air conditioning monitoring and control device and the second air conditioning monitoring and control device have a control selection program that allows a selection to enable or to disable the one type of control, or each of the at least two types of control where the first monitoring and control program is configured to perform two or more types of control.

According to the Office Action, Yoon et al. disclose a first air conditioning monitoring and control device 300 and a second air conditioning monitoring and control device (which can be any computer that uses the Internet). Applicants respectfully assert that Yoon et al. disclose a single control program (see paragraph [0034] of Yoon et al.), and fail to disclose or to suggest three monitoring and control programs, one of which is common to both the first and second air conditioning monitoring and control devices.

Applicants respectfully assert that the recited structure is not disclosed or suggested by Yoon et al. or any other prior art of record. It is well settled under U.S. patent law that for a reference to anticipate a claim, the reference must disclose each element of the claim within the reference. Therefore, Applicants respectfully submit that claim 1, as now amended, is not anticipated by the prior art of record. Withdrawal of this rejection is respectfully requested.

Moreover, Applicants believe that dependent claims are also allowable over the prior art of record in that they depend from independent claim 1, and therefore are allowable for the reasons stated above. Also, the dependent claims are further allowable because they include additional limitations. Thus, Applicants believe that since the prior art of record does

not anticipate the independent claim 1, neither does the prior art anticipate the dependent claims.

Applicants respectfully request withdrawal of the rejections.

New Claims 21 and 22

Applicants have added new claims 21 and 22. Claim 21 is dependent on claim 5, which is dependent on claim 1, which is believed to be allowable for the aforementioned reasons. Claim 22 is dependent on claim 1, which is believed to be allowable for the aforementioned reasons. Applicants believe that the dependent claims are further allowable because they include additional limitations.

Examination and consideration are respectfully requested.

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In view of the foregoing amendment and comments, Applicants respectfully assert that claims 1-5, 8, 11, 14, 21, and 22 are now in condition for allowance. Reexamination and reconsideration of the pending claims are respectfully requested.

Respectfully submitted,

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